

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CONSOL ENERGY INC.,)	
EIGHTY-FOUR MINING COMPANY,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action 05-199
)	
BERKSHIRE HATHAWAY INC., NATIONAL)	Judge Conti
FIRE & MARINE INSURANCE COMPANY,)	Magistrate Judge Hay
)	
Defendants.)	

ORDER

AND NOW, this 13th day of March, 2006, after defendant, National Fire & Insurance Company filed a Notice of Removal from the Court of Common Pleas of Allegheny County, and after the plaintiffs, Consol Energy Inc. and Eighty-Four Mining Company, filed an Amended Complaint, and after defendant, Berkshire Hathaway, Inc., filed a Motion to Dismiss, and after defendant, National Fire & Marine Insurance Company, filed a Motion to Dismiss or Stay and Compel Arbitration, and after plaintiffs filed a Motion to Remand, and an Amended Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and upon consideration of the objections filed by defendants, and upon independent review of the motion and the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS ORDERED that plaintiffs' Motion for Remand [Docket No.26] is GRANTED and the case is remanded to the Court of Common Pleas of Allegheny County, Pennsylvania.

IT IS FURTHER ORDERED that the Motion to Dismiss [Docket No. 21] submitted on behalf of defendant Berkshire Hathaway Inc. and the Motion to Dismiss or Stay and Compel Arbitration [Docket No. 23] submitted on behalf of defendant National Fire & Marine Insurance Company, Inc. are DISMISSED as moot.

/s/ Joy Flowers Conti
JOY FLOWERS CONTI
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

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